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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.		
10/604.045	06/24/2003	Alvin Jose Joseph	BUR920030004US1	CONFIRMATION NO	
21018 75	90 09/27/2004	,	BXAMINER		
MICHAEL M SAKOVICH MICHAELS & ASSOCIATES			NGUYEN, TUAN H		
429 MCLEOD	STREET		ARTUNIT	PAPER NUMBER	
OITAWA, ON KIR5P5 CANADA			2813		
CANADA			DATE MAILED: 09/27/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOT OUR CASE FILE, SENT TO US IN ERROR. MICHAELS & ASSOCIATES

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Examiner Tuan H. Nguyen Art Unit 2813			Applica	tton No.	Applicant(s)	
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Application/Control Number: 10/604,045

Art Unit: 2813

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-11 are drawn to a bipolar device, classified in class 257, subclass 565.
- Claims 12-20 are drawn to Method for forming a bipolar device, classified in class 438, subclass 309.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the Group I invention does not necessarily imply unpatentability of the Group II invention, since the device of the Group I invention could be made by processes materially different than that of the Group II invention, for example the structure could be formed in reversed order by forming the emitter first on a temporary substrate.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Meier on 9/17/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is 703-308-2550. The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead can be reached on 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

Tuan H. Nguyen
Primary Examiner
Art Unit 2813